

Evidentiary Document # 5336.

THE REPORT OF LIEUTENANT COLONEL A.M. STURROCK, PRESIDENT,
NO. 4 WAR CRIMES COURT, RANGOON, ON THE WAR CRIMES TRIALS
COMPLETED AT RANGOON.

1. KALAGON CASE:

Major ICHIKAWA Soigi
Capt. SAKAMAKI Saburo
Capt. OKUPO Yozo
Capt. YAMAGISAWA Izumi
Capt. MIDORIKAWA Hisashi
Maj. 2/Lt. USUI Kiyochiro
Lieut. TASHIMA Ichiro
Lieut. TATEI Shozo

all of the 3rd Bn., 215 Regt., 33 Div., I.J.A.

Capt. HIGASHI Noburo
U.O. FUJIMURA Ryozo
S/Maj. KOBAYASHI Akira
Sgt. NAGATA Toshiyuki
Sgt. NOMOTO Kinnji
Cpl. MORIMOTO Seichi

all members of Kempetai.

CHARGES:

All accused were charged in the first place with committing a war crime in that they were concerned in the unlawful killing of men and women and children, civilian inhabitants of KALAGON, and in the second place with committing a war crime in that they were concerned in the unlawful beating, torture, wounding and other maltreatment of the said civilian inhabitants of KALAGON.

The first named accused Major ICHIKAWA Soigi was further charged with the unlawful abduction of women from the said village of KALAGON.

PROSECUTION:

Prosecution case consisted of the evidence of several villagers from KALAGON, a Karen by name SAN KAN KU who had served as an Interpreter with the Kempetai and statements by several of the accused.

The evidence was to the effect that the 3rd battalion along with a number of Kempetai personnel went on an expedition to KALAGON; the villagers were rounded up; some of them were interrogated by the Kempetai and later the villagers were massacred by the Japanese soldiers on the orders of accused ICHIKAWA, the operation being superintended by his junior officers.

During the interrogations it was alleged that persons interrogated were beaten and tortured.

DEFENCE:

The defending officer asked the court to dismiss the charges against certain of the accused on the ground that there was no case to answer. The court held (1) that there was no case against Sgt. NAGATA and accordingly found him not guilty (2) all the members of the 3rd battalion must make their defence on all charges and (3) that the remaining members of the Kempetai must answer the second charge but that there was no case against them with the exception of accused NOMOTO on the first charge in respect of which a verdict of "not guilty" was entered. Accused NOMOTO had to make his defence on both charges.

All accused elected to give evidence.

The defence on the first charge by the members of the 3rd battalion was that the operation had been carried out under superior orders, as a measure of reprisals, and that it was not obviously illegal.

In addition it was submitted that the accused OKUBO, S. KAMAKI, USUI and TAJI had not been concerned in the operation and should therefore be found "not guilty". These accused, although present, were, it was submitted, engaged only on work which was legitimate.

On the second charge the defence was a denial that there was any unnecessary ill-treatment.

The defence of Major ICHIKAWA on the 3rd charge was that the women were taken of their own free will.

The defence of the members of the Kempetai on the second charge was denial of the allegations with the further defence by Capt. HIGASHI that as he was not present at KILAGON and had given no order for the use of ill-treatment, he should not be held responsible.

The defence of NOMOTO on first charge was a denial.

FINDINGS AND SENTENCES.

<u>Name</u>	<u>Finding</u>	<u>Sentence</u>
Major ICHIMURA Seigi	Guilty of all 3 charges with certain minor exceptions.	<u>Death</u> by hanging
Capt. SUGIMOTO Saburo	Guilty.	10 years imprisonment.
Capt. OTUBO Yozo	"	10 years imprisonment
Capt. MIDORIKAWA Hisashi	"	<u>Death</u> by shooting.
Lieut. TASHIMA Ichiro	"	<u>Death</u> by shooting.
1st. 2/Lt. USUI Riyohiro	Not Guilty	
Lieut. TAMAI Shoza	Guilty	10 years imprisonment
Capt. YAMAGISAWA Tzumi	"	<u>Death</u> by shooting.
Capt. HIGASHI Noburo	Not Guilty	
W.O. FUJIMURA Ryoza	2nd Charge Guilty	5 years imprisonment
Sgt/Maj. KOBAYASHI Akira	" " "	5 years imprisonment
Sgt. NOMOTO Minni	" " " 1st Charge Not Guilty	7 years imprisonment
Cpl. MORIMOTO Seichi	Not Guilty.	

Findings and sentences have now been confirmed.

NOTE ON EVIDENCE:

The prosecution witnesses related how on the arrival of the Japanese at the village of Kalagon, the villagers had been gathered together and the men put in the mosque and women and children in the neighbouring Zayat. Thereafter a few of the villagers were taken for interrogation by the Kompetai. The most reliable witness on the method of interrogation was the Interpreter SAW KIM KU. He testified that some of the villagers had been beaten, that their hands had been tied behind

their backs, a rope fixed to the cord binding their hands passed over a beam on the roof and the victim pulled off the ground. While hanging in this exceedingly painful position the interrogation had gone on and the victim frequently beaten.

The actual massacre was carried out by taking the villagers in groups of about 25 to the nearby wells where they were bayoneted and then thrown into the wells.

The defence called as witnesses Col. TSUKADA, the commander of 213 Regt. and Capt. KATAYAMA, his operational staff officer. In evidence both these officers stated that the operation of KALAGON was carried out on orders from the division.

Col. TSUKADA however in answer to the questions by the court suggested that ICHIKAWA had certain discretion as to whether or not he would kill all the villagers. The witness stated that what was done by ICHIKAWA and his battalion was in conformity with their orders and that ICHIKAWA had in no way exceeded his orders.

Col. TSUKADA expressed the view that lack of time and shortage of manpower were ample justification for dispensing with any trial in the case of the inhabitants of KALAGON and that as the Japanese were satisfied the villagers were acting in a manner hostile to the occupying power the circumstances were sufficiently grave to force the Japanese to carry out the mass execution.

Major ICHIKAWA when asked the following questions;

- Q. Do you really think that women and children were acting against the Japanese army.
- A. Yes.
- Q. How do you justify the killing of the infant children.
- A. There was no other alternative way of dealing with the children
- Q. Explain that a little further.
- A. First, within the orders I received, the killing of the children was also included. If I spared the children they would be orphans, and as such they could not have a living. In order to save time and carry out my duties, I could not help killing them.

Accused MIDORIKAWA gave the following answers to questions;

- Q. Do you not think then since you consider the order you have received unlawful it was your duty to make comments to your senior officer ICHIKAWA.
- A. I do not think it unlawful.
- Q. Do you think the killing of women and children in KALAGON a lawful order.
- A. I cannot say whether it was a lawful order, but due to the military necessity and force of circumstances the higher

command had issued the order after considering the circumstances. So I believe it to be right.

- Q. You believe that any order issued to you by superiors is lawful order.
- A. Up to now we have always considered an order from higher command to be correct.
- Q. To be lawful.
- A. Irrespective of anything an order given in the army should be executed so that the final object of the war shall be a success.
- Q. Therefore you are prepared to do any order given by a superior irrespective of whatever you yourself may think about that order.
- A. If it is an order of a superior officer I must obey the order against anything, fire or water.

Col. TSUKUDA in answer to the question;

- Q. As a senior officer of the Japanese Army how do you justify the measures which were taken in KALAGON.
- A. The people of KALAGON village were hostile towards the Japanese, therefore they could be killed. It was pitiful to kill the children but as they could not be taken care of by the Japanese army they had to be killed.
- Q. Do you consider that in all cases where people are hostile to you you are entitled to kill them.
- A. I am of the opinion that proper investigation should be made before such hostile people were killed, but in consideration of lack of time and manpower they had to do the killing.

On the question of use of force during interrogations, witness KATAYAMA in answer to the question.

- Q. I presume that there are circumstances in which it is lawful.
- A. Yes.
- Q. In what circumstances was it lawful.
- A. Circumstances are that if the people interrogated refuse or refuse to confess their guilt of their doings and if it affects victory of the nation or if it is very important that the information must be exact.
- Q. Is that the general principle accepted in the Japanese army in its interrogations.
- A. I do not know whether it is a principle of Japanese army to use force during interrogation. It is just my opinion.

According to the evidence of the Headman of the village who had escaped, approximately 600 villagers were collected by the Japanese, about 195 women, 175 men and 260 children. Only very few of those persons escaped massacre.

2. NEW LAW COURTS ANNEXE:

The accused:-

Capt. UYENO Masaharu

Capt. YAMAZAKI Kaname

Members of or attached to the Kempetai.

CHARGE:

Both the accused were charged with committing a war crime in that they were concerned in brutality towards and ill-treatment of certain prisoners of war resulting in the deaths of five of the said prisoners.

PROSECUTION:

The prosecution case consisted of a number of affidavits by ex-prisoners of war who had been held at one time in New Law Courts Annexe jail and statements made by the accused. In this evidence it was alleged that, following an attempted escape the prisoners of war were beaten mercilessly by guards on the orders of Capt. UYENO; it was further alleged that no medical attention was given to any of the sick or injured prisoners of war, and that the deaths resulted from the severe beatings and complete lack of medical attention.

DEFENCE:

Both the accused elected to give evidence.

They also called Major AKIYAMA Hideo on their behalf. The defence pleaded denial of prosecution allegations. Accused UYENO, in particular, denied that prisoners of war were beaten after the attempted escape and also that he refused to allow medical attention to be given to prisoners of war.

The Medical Officer claimed that he had never refused to give medical attention when requested; that his duties in connection with the Annexe were only part of a very large number of duties which he was expected to perform and that he was seriously handicapped by lack of medical supplies.

FINDINGS AND SENTENCES.

<u>N a m e.</u>	<u>F i n d i n g.</u>	<u>S e n t e n c e.</u>
Capt. UYENO Masaharu	Guilty	Death by hanging.
Capt. YAMAZAKI Kaname	Not Guilty.	

Finding and sentence have been confirmed.

NOTE ON EVIDENCE:

The affidavits produced by the prosecution contained considerable corroboration of the fact that the prisoners of war were seriously beaten immediately after the attempted escape and at intervals thereafter during the time they remained in the New Law Courts Annexe jail.

From the testimony of the accused it appears that under an order from very high authority the Airmen were to be treated differently from other prisoners of war and were in fact to be regarded as criminal suspects; the intention seems to have been that they should be charged as war criminals on account of having carried out indiscriminate bombing.

The accused contended that in their view the prisoners of war should not have been lodged in this jail and that they made representation to that effect.

(3. NEW LAW COURTS CASE.

The accused:-

Capt. M.G. ILERA Renzo
Capt. YAMAZAKI Kaname
2/Lieut. YOFOTA Masao
Cpl. NOMA Masami

All members or attached to the Kempetai.

CHARGES:

All accused were charged with committing a war crime in that they were concerned in the ill-treatment causing physical suffering to the prisoners of war interned at New Law Courts jail.

The first three accused were further charged with ill-treatment resulting in the death of four prisoners of war.

The first named accused and the third and the fourth named accused were further charged with ill-treatment resulting in the death of another prisoner of war.

And the second named accused was further charged with ill-treatment resulting in the death of two additional prisoners of war.

PROSECUTION:

The prosecution case consisted of a number of affidavits by former prisoners of war, statements by all the accused and the testimony of two civilian witnesses who had been prisoners in the jail and of a Japanese corporal.

DEFENCE:

The accused NAGAI.R. and YAMAZAKI elected to give evidence on oath.

The accused YOKOTA and NODA on the advice of the defending officer declined to give evidence.

The defence was a denial of the allegation together with a claim that in so far as the conditions were unsatisfactory in the jail it was not the fault of any of the accused as they were not responsible for the nature of the building, number of prisoners to be housed, the quantity of food available, the quantity of medical supplies and of the fact that there were also common criminals in the jail.

In respect of accused NODA a further point was made regarding the method of identification which it was claimed, was improperly carried out and could not therefore be accepted by the court.

FINDINGS AND SENTENCES.

<u>Name.</u>	<u>Findings.</u>	<u>Sentence.</u>
Capt. NAGAI.R. Kenzo	Guilty of 1st charge. Not Guilty of the remaining charges.	4 years imprisonment
Capt. YAMAZAKI Kaname	Not Guilty.	
2/Lt. YOKOTA Isao	Guilty of the 1st charge. Not Guilty of the remaining charges.	2 years imprisonment
Cpl. NODA Isami	Not Guilty.	

The findings and sentences have been confirmed.)

NOTE ON EVIDENCE:

This case was similar to the previous one in that it concerns the treatment of Airmen prisoners of war. As in the Annexe case it was claimed that these airmen were lodged in this jail on orders from high command because they were regarded as criminal suspects. The O.C. of the jail stated that in his view it was wrong that prisoners of war should be put into this jail but that he had no alternative but to accept them when they were sent.

He said he made representation to have them removed to a POW camp.

4. YEDWINGON CASE.

The accused:

Cpl. IDLTA Nado
Capt. HIGASHI Isoboro
2/Lt. NAKAYAMA Isaku
2/Maj. KOBAYASHI Akira
Sgt. NAKASHIMA Tokyoshi
Sgt. SHIOTA Toshihiro
Sgt. TOYAMA Ryosaku
Cpl. RABA Mitsuru
S/pte. OGATA Masaku

all members of or attached to the Kempeitai.

CHARGE:

All accused were charged with committing a war crime in that they were concerned in the ill treatment of civilian residents of the villages of YEDWINGON and MAUNGLOM.

PROSECUTION:

The prosecution case consisted of evidence of nine witnesses from the village of YEDWINGON who alleged that they had been arrested by the Kempeitai and incarcerated in Moulmein jail for a period of approximately 19 days.

They alleged torture by water torture, electric torture and beatings during interrogations.

All accused were identified by several of the witnesses as having been present either at the time of the arrest or in the jail during the interrogations.

The accused Cpl. RABA Mitsuru tendered plea of guilty.

All the other accused pleaded not guilty.

DEFENCE:

The general defence was a denial of any ill-treatment. The accused Cpl. IDLTA and Capt. HIGASHI denied that they had any knowledge of the arrest or ill-treatment of any of the witnesses.

The accused KOBAYASHI, SHIOTA and TOYAMA while admitting presence at the time of the arrest, claimed that they had never been in Moulmein jail during the period when the witnesses had been imprisoned.

The accused OGAMI maintained that he was only a driver and had nothing to do with the interrogations or ill-treatment nor did he act at any time as a guard.

All accused elected to give evidence.

In evidence accused MIKAYAMA admitted that he had ordered use of torture.

The defence also called as witness Sgt. MAJ. FUKUDA who stated that MIKAYAMA, W.O. IDEGOMORI and himself had been responsible for the ill-treatment of some of the witnesses for the prosecution.

The defence also produced an admission by W.O. IDEGOMORI of the ill-treatment.

(Note: W.O. IDEGOMORI was one of the accused on the original charge sheet and the charge was withdrawn as he was unfit to stand trial owing to illness.)

FINDINGS AND SENTENCES.

<u>Name.</u>	<u>Finding.</u>	<u>Sentence.</u>
Col. IDETA Rado	Guilty	8 years imprisonment.
Capt. HIGASHI Noburo	Guilty	8 years imprisonment.
2/Lt. MIKAYAMA Isaku	Guilty	8 years imprisonment.
S/Maj. KOBAYASHI Akira	Guilty	6 years imprisonment.
Sgt. HIRASHIMA Tokyoshi	Guilty	3 years imprisonment.
Sgt. TOYAMA Ryosaku	Guilty	6 years imprisonment.
Cpl. BABI Mitsuru	Guilty	1 month's imprisonment.
Sgt. SHIOTA Toshihiro	Not Guilty	
S/Pte. OGAMI Mikaku	Not Guilty	

(Note: The accused S/Maj. KOBAYASHI Akira was also one of the accused, found guilty, in the KILAGON case.)

The findings and sentences have not yet been confirmed.

NOTE ON EVIDENCE:

This case is of interest because it was the first one in which an accused had admitted in the witness box that the Kempeitai did on occasion use force to extract information.

The accused MIKAYAMA confessed to having used the water torture and Sgt. MAJOR FUKUDA who was called as witness admitted use of electric torture.

Evidentiary document # 5336.

11.

Capt. HIGASHI who was one of the accused in the ILLAGON case and at that time denied that force was ever used by the Kempetai now admitted that on occasion it might be used. But he was somewhat vague as to what he meant by use of force during interrogations.

In this case tortures used were:

- (1) Water torture.
- (2) Electric torture.
- (3) Hanging a person from a beam with his hands tied behind his back, while in this position the man would either be beaten or given electric torture.

It would appear from this case that the use of force by the Kempetai to obtain information was a common occurrence.

5. BANGKOK CENTRAL JAIL CASE (TAZUMI and others).

The accused,

Capt. TAZUMI Iptozo.
1st Lt. ONISHI Akio
Capt. UENO Kiyoshi
S/te. UENO Kogetsu,
members of the Imperial Japanese Army.

CHARGES:

All accused were charged with committing a war crime in that they were concerned as parties to illtreatment resulting in the death of 17 named prisoners of war and physical suffering to other prisoners of war.

PROSECUTION:

The prosecution case consisted of a very large number of affidavits by former prisoners of war and was to the effect that the Airman prisoners of war were treated differently from the other POWs and were incarcerated for a long period in solitary confinement where they received insufficient rations and practically no medical attention whatsoever and that beatings by the guards were a frequent occurrence.

The accused S/te UENO was identified by his nickname 'limpy' as a notorious beater.

It was alleged that in the case of Lt. DRUMLEY he was deprived of the care of a companion because the medical officer ONISHI stated that he would die in any case and this prisoner was left to die quite unattended.

Prosecution also called as a witness Mr. BULLARTON who had been a prisoner in the Rangoon Central Jail from 1942 to the termination of the hostilities. He has testified that conditions as regards the Airmen were worse than as regard ordinary POWs.

He identified all the accused.

It was stated in several of the affidavits that the accused TAZUMI was a better prison commandant than any of his predecessors.)

DEFENCE:

The accused with the exception of S/Pte UENO, elected to give evidence but subsequently Lt. ONISHI on the advice of the defending officer declined to give evidence.

The defence consisted of a denial of the allegations of ill-treatment.

The accused TAZUMI claimed that he had done what he could to improve conditions. On behalf of accused ONISHI, it was claimed that he was very badly trained and had little experience of medical matters and in addition to his work at the jail he had duties in connection with transit camp and that he was exceedingly short of medical supplies.

Accused Sgt. Maj. UENO denied the allegation against him of ill-treatment although he admitted having on occasions slapped the POWs.

FINDINGS AND SENTENCES.

<u>N a m e.</u>	<u>F i n d i n g s.</u>	<u>S e n t e n c e.</u>
Capt. TAZUMI Motozo	Guilty of ill-treatment of prisoners of war.	7 years imprisonment.
Lt. ONISHI Akio	Guilty of ill-treatment resulting in the death of Lt. DRUMHEY and contributing to the death of 10 other prisoners of war.	Death by hanging
Sgt. Maj. UENO Kiyoshi	Guilty of ill-treatment.	3 years imprisonment.
S/Pte. UENO Keigetsu	Guilty of ill-treatment.	15 years imprisonment.

The findings and sentences have not yet been confirmed.

NOTE ON EVIDENCE:

This case like the New Law Courts Annexe and New Law Courts jail cases deals particularly with the ill-treatment of Airmen who were prisoners of war. It appeared from the evidence that these men were treated in a different fashion from ordinary prisoners of war on instructions from high authority because they were regarded as criminal suspects.

The accused TAZUMI maintained that apart from keeping them segregated from other prisoners they were no worse off than ordinary prisoners of war. He maintained that they got the same ration of food as ordinary non-working prisoners and that medical attention was not withheld from them.

In this case as in all the jail cases it appears that the guards were for the most part a thoroughly bad type who made a practice of beating and striking the prisoners of war on the slightest provocation.

The statement by the accused S/Itc UENO made to the Investigating officer, in answer to the question;

- Q. Is there any other reason for your beating these prisoners in cell block 5 so frequently.
- A. In September 1944 I was told by a Kempetai enlisted man, whose name I do not remember, that it would be all right to beat these prisoners.

shows the attitude of mind of the guards.

There is such a mass of testimony in all the jail cases relating to beatings that it seems impossible to come to any conclusion other than that such treatment if not actively encouraged was at least permitted and regarded as quite normal.

6. RANGOON CENTRAL JAIL CASE (IKEDA).

The accused;

Sgt. MAJ. IKEDA Kamejiro.
a member of the Imperial Japanese Army.

CHARGE:

The accused was charged with committing a war crime in that he was concerned in ill-treatment resulting in the death of 5 American prisoners of war.

PROSECUTION:

The prosecution case consisted of a number of affidavits by former prisoners of war, which alleged that the prisoners of war had died through lack of medical treatment and in particular that the persons named in the charge sheet who were brought in suffering from severe burns when their aircraft crashed, received no medical treatment.

DEFENCE:

The defence consisted of a denial of the allegations. The accused elected to give evidence and on oath stated that he had given such treatment as he could to the American airmen who were very severely burnt and in a critical condition when they were brought in to the jail. He claimed to have carried out the instructions given to him by the medical officer.

The defence called as witness Cpl. NOTANI who had been an assistant to the accused and who corroborated his story.

The defence further called Major SHIMIZU a Japanese medical officer who gave evidence as to what might be expected in the case of patients suffering from burns of the nature described to the court.

FINDINGS AND SENTENCES:

The court found the accused not guilty.

In announcing finding the court stated that although they were satisfied that at some stage after they crashed there had been a criminal neglect in the treatment of those airmen, yet they were quite satisfied that there was nothing in the evidence to show that the accused could be held responsible in any way for what had occurred.

NOTE ON EVIDENCE:

In view of the fact that the accused in this case was acquitted it is undesirable to draw any definite conclusion from the evidence, but it does appear that the Japanese took little trouble to ensure that wounded or injured prisoners of war were properly treated at an early stage.

(Signed) A.M. STURROCK
Lieut.Colonel R.A.
President, No. 4 War Crimes Court,
Rangoon, M.A., LL.B.(Edin.),
Writer to the Signet.

EXHIBIT NO. 1541A

Doc 5336

證據書類第五三三六號

蘭貢ニテ完了セル戦争犯罪裁判ニ於ケル蘭貢第四

戦争犯罪裁判所裁判長「A・M・スターロツク」

中佐ノ報告書

一、「カラゴソ」事件

少佐 市 川 セイギ

大尉 サカマキ 三 郎

大尉 大久保 ヨウゾウ

大尉 柳 津 泉

大尉 経 川 ヒサシ

軍醫少尉 ウスイ・キヨヒロ

中尉 タシマ 一 郎

中尉 タケイ・シヨウゾウ

以上全部日本帝國陸軍第三十三師團第二一五師団
第三大隊所属

大尉 東 ノブロ

准尉 藤 原 リョウゾウ

FILE COPY
長 小 林 ナガタ
電 ナガタ ト キ

RETURN TO ROOM 361

Doc 5336

2.

軍曹 野 本 キンニ

伍長 森 本 セイイチ

以上全部憲兵隊所屬

告訴事實

被告全部第一ニ「カラゴン」住民男女子供ノ不法
殺害ニ關係セル康ニ依リ毆辱犯暴ヲ犯シ、第二ニ
ハ彼等ハ前記「カラゴン」住民ニ對スル不法ナル
毆打、拷問、傷害其他ノ虐待ニ關係セルニヨリ極
辱犯暴ヲ犯シタリトノ訴ヲ以テ告訴セラレタリ。
最初ニ擧記セル被告、市川セイギ少佐ハ前記犯暴
ノ外ニ右「カラゴン」村若ヨリ婦女子ヲ不法ニ強
致セルニヨリ告訴セラレタリ。

檢事ノ主張

。 。 。 。 。 。 。

證據ノ趣旨左ノ如シ。第三大憲兵ノ一隊ト共
ニ「カラゴン」ヲ征シ、住民ハ虐待サレ、其若干
ハ憲兵ニ訊問サレタ。其後住民ハ、被告市川ノ命
令ニ依リ其ノ下級將校ノ指揮ノ下ニ日本兵ニヨリ
テ虐殺セラレタリ。

訊問中訊問サレタル者ハ毆打拷問サレタリト主張
アリタリ。

Doc 5336

3

三頁

判定及ヒ宣告

氏名	判	告	定	宣
市川セイギ	少佐	經度ノ若干ノ犯	罪全部有罪	絞首刑
サカマキ三郎	大尉	有罪		懲役十年
大久保ヨウゾウ	大尉	有罪		懲役十年
縁川ヒサシ	大尉	有罪		銃殺刑
タシマ一郎	中尉	有罪		銃殺刑
ウスイキヨヒロ	軍醫少尉	無罪		
タケイ・シヨウゾウ	中尉	有罪		懲役十年
柳川 泉	大尉	有罪		銃殺刑
東 ノプロ	大尉	無罪		
藤原リョウゾウ	准尉	第二ノ告訴事實ニツキ	有罪	懲役五年
小林アキラ	曹長	第二ノ告訴事實ニツキ	有罪	懲役五年
野本キンニ	算曹	第二ノ告訴事實ニツキ	有罪	懲役七年
森本セイイチ	伍長	第一ノ告訴事實無罪		

上記判定並ビニ刑ノ宣告ハ確認セラレタリ。

證據ニ關スル註

檢事側ノ證人ハ日本人ガ「カラゴシ」村落ニ到着シ
部落住民ヲ集メ、男子ハ同教寺院ニ婦人子供ハ附近
ノ「ザイエット」ニ入レタル際ノ狀況ヲ詳述セリ。

Doc 5336

4.

其後少數ノ部落民ハ憲兵隊ノ訪問ニ引出サレタリ。
訪問方法ノ最も信頼スベキ證人ハ「ソウ、クワウ、
クー」ナリ。

彼ハ部落民ノ哀ル者ハ毆打サレタル事、彼等ハ手
ヲ縛レル細縄ニハ綱ヲ付ケテ庭獄ノ梁ニ通サレ、
横柱者ハ地面ヨリ吊リ上ゲラレタリ。斯クノ如ク
非常ニ苦痛極マル状態ノ下ニ訪問ハ續行シ、横柱
者ハ屢々毆打セラレタリ。

屠殺ソノモノハ、次ノ如ク行ハレタリ。部落民約
二十五人宛ヲ一園トシ附近ノ井戸端ニ運行シ、銃
剣ニテ刺殺シタル後井戸ノ中ヘ投込ミタリ。

辯護人側ニテハ證人トシテ第二一三聯隊長塚田天
佐及ビ作戰參謀片山大尉ヲ出廷セシメタリ。

證言ニ際シ右兩尉ハ「カラゴシ」ノ作戰ハ師團
命令ノ下ニ行ハレタル旨ヲ陳述セリ。

然シ塚田天佐ハ法廷ノ訪問ニ名ヘテ、市川ハ部落
住民ヲ全部殺戮スベキカ否ヤニ就キテハ悉ル程度
判斷ノ自由ヲ有シタル事ヲ暗示セリ。證人ハ市川
及ビ其大隊ノ爲シタル行動ハ彼等ノ受ケタ命令ニ
違ヒタルモノニシテ何等之ヲ超ユルモノニアラザ
ル事ヲ證言セリ。

塚田天佐ハ「カラゴシ」部落民ノ件ニ於テハ、時
間及ビ兵力ノ不足ノ爲メニ、審問ヲ省略セシ事ハ
之ヲ正當ト認ムベキ充分ノ理由アリ、且ツ日本人

Doc 5336

ハ部落民ガ占領軍ニ對シ對敵行動ヲ採リツ、アリシ事ヲ
確信セルニ依リ周圍ノ事情ハ重大ニシテ日本軍ハ集團
死刑ヲ行ハザルヲ得ザルニ至リタリトノ見解ヲ表明
セリ。

市川少佐ハ左ノ訊問ヲ受ケタリ。

問、貴官ハ婦女子、ガ日本軍ニ對シ對敵行為ヲシテ
居タト眞實ニ考ヘテ居マスカ。

答、ソウテス。

問、幼兒ヲ殺ス事ヲ如何ニシテ止當化シマスカ。

答、幼兒ヲ處置ノ方法トシテ、又ヨリ外アリマセン
テシタ。

問、今少シ詳細ニ説明シテ下サイ。

答、第一ニ私が受ケタ命令ノ中ニ、子供ヲ殺ス事モ
含マレテ居マシタ。若シ私が子供ヲ助ケタナラ
バ彼等ハ孤兒トナリ、孤兒トナレバ生キル事ハ
出来ナカツタノテス。時間ヲ省キ私ノ任務ヲ遂
行スル爲ニ、彼等ヲ殺サナイ諒ニハ行カナカツ
タノテス。

・ ・ ・ ・ ・

二、「ニュー・ロー・コート・アネキス」事件

報 告

上野マサハル大尉

山崎 豊大尉

以上憲兵隊長又ハソノ門員

5.

Doc 5336

告訴事實

上記兩人ハ俘虜ニ對シ暴行虐待ヲ加ヘソノ内ノ其五
ハラシテ死ニ致ラシメタルニ依リ戦争犯罪ヲ犯シタ
ルモノトシテ告訴セラレタリ。

檢事ノ主張

檢事側ノ主張ハ會テ「ニュー・ロー・コーツ・アネ
キス」監獄ニ收容サレ居タリ。囚俘虜ニ依ル若干ノ口
供書及ビ被告ノ陳述書ヨリ成ル。

コノ證據ニハ逃亡ヲ企テタル俘虜ハ上野大尉ノ命ニ
ヨリ衛兵ニ容赦ナク殴打セラレタル事、俘虜ノ中ノ
病者負傷者ニ對シ何等極端手當ヲ施サザリシ事、並
ビニ苛酷ナル殴打及ビ極端手當皆無ノ爲メニ死者ヲ
生ジタル事ノ申立アリ。

・ ・ ・ ・ ・

判定及ビ宣告

氏 名

判定

宣 告

上野マサハル大尉

有 罪

絞首刑

山 崎

要大尉

無 罪

石判定及ビ宣告ハ確認セラレタリ。

七頁

證據ニ關スル註

檢事側ヨリ提出セラレタル口供書ハ、捕虜ガ逃亡ヲ

6

Doc 5336

企テタル直後苛酷ナル殴打ヲ受ケ、其後彼等ガ「ニ
ユー・ロー・コーツ・アネキス」監獄ニ收容サレ居
タル期間ニ屢々殴打サレタル事實ノ重要ナル證據ヲ
含ミ居レリ。

被告ノ證言ニ依レバ、極メテ高キ上司ノ命令ニ依リ
航空員ハ他ノ俘虜トハ別ノ取扱ヲ受クベク、事實戦
争犯罪容疑者ト看做サルベカリシモノ、如シ。其ノ
意途ハ彼等ハ無差別爆撃ヲ敢行セルヲ以ツテ戦争犯
罪者トシテ告訴サルベキモノト云フニアリシモノ、
如シ。

・ ・ ・ ・ ・

七頁

三、「ニユー・ロー・コーツ」事件

被 告

ナガハラ・ケンゾウ 大尉

山 崎 要 大尉

横 田 マ サ オ 少尉

野 田 マ サ ミ 伍長

以上ハ憲兵隊員又ハソノ附屬員ナリ。

告訴事實

上記ノ被告ハ全部「ニユー・ロー・コーツ」監獄
ニ收容セル俘虜ヲ虐待シ、爲メニ身体的損傷ヲ與ヘ
タルニ依リ戦争犯罪ヲ犯シタル處ヲ以テ告訴セラレ

7.

Doc 5336

タリ。

前掲報告中第一ヨリ第三迄ノ三名ハ更ニ處刑ニヨリ
四名ノ俘虜ヲ死ニ至ラシメタル様ヲ以テ告訴セラレ
タリ。

前掲報告中第一及第三及第四ノ者ハ更ニ處刑ニ依リ
他ノ一名ノ捕虜ヲシテ死ニ至ラシメタル様ニ依リ告
訴セラレタリ。

前掲報告中、第二ノ者ハ前記ノ外ニ處刑ニヨリ更ニ
二名ノ俘虜ヲシテ死ニ至ラシメタル様ニ依リ告訴セ
ラレタリ。

檢事ノ主張

檢事側ノ主張ハ前俘虜タリシ者ノ多數ノ口供等、被
告全部ノ陳述等、同駐獄ニ俘虜タリシ二人ノ市民ニ
依ル證言、日本軍ノ一伍長ノ證言ヨリ成レリ、

・ ・ ・ ・ ・

ハ長

判定及ビ宣告

人 名

判

定

宣

告

ナガハラ・ケンゾウ大尉

第一項ノ告訴事實ニツキ有罪 懲役四年
其ノ他ノ告訴事實ニツキテハ無罪

山崎 豊大尉

無 罪

横田 マサオ少尉

第一項ノ告訴事實ニツキ有罪 懲役二年
其ノ他ノ告訴事實ニツキテハ無罪

Doc 5336

9.

野田マサシ 伍長 無 罪

右判定並ビニ宣告ハ確認セラレタリ。

證據ニ關スル註

本件ハ航空員捕虜ノ取扱ニ關スル點ニ於テ前述ノ件ト同様ノモノナリ。

「アネキス」事件ト同様、此等ノ航空員ハ犯罪容疑者ト看做サレタルニヨリ、高級上司ノ命令ニ依リコノ監獄ニ收容方ヲ主張セリ。

監獄ノ指揮官ハ、其意見ニ依レバ俘虜ヲコノ監獄ニ收容スルハ正シカラザルモ俘虜ノ送致サレタル時ハ彼等ヲ收容スルノ外ニ途ナカリシ事ヲ言明セリ。

彼ハ俘虜ヲ俘虜收容所ニ移サレタキ旨上申セリト通ベタリ。

九員

出、「エツドウィンゴン」ノ件

報告

イ	テ	タ	ナ	ド	伍長
東			ノ	ボ	大尉
中	山	イ	サ	ク	少尉
小	杯	ア	ギ	ラ	曹長
中	島	ト	ク	ヨ	曹
田	ト	シ	ヒ	ロ	軍曹
ト	ヤ	マ	リ	ヨ	曹
			ウ	サ	
			ク		

Doc 5336

9.

野田マサミ 伍長 無 罪

右判定並ビニ電信ハ確認セラレタリ。

證據ニ關スル註

本件ハ航空員捕虜ノ取扱ニ關スル點ニ於テ前述ノ件ト同様ノモノナリ。

「アネキス」事件ト同様、此等ノ航空員ハ犯罪容疑者ト看做サレタルニヨリ、高級上司ノ命令ニ依リコノ監獄ニ收容方ヲ主張セリ。

監獄ノ指揮官ハ、其意見ニ依レバ俘虜ヲコノ監獄ニ收容スルハ正シカラザルモ俘虜ノ送致サレタル時ハ彼等ヲ收容スルノ外ニ途ナカリシ事ヲ言明セリ。

彼ハ俘虜ヲ俘虜收容所ニ移サレタキ旨上申セリト通ベタリ。

九頁

四、「エツドウインゴン」ノ件

報告

イ	テ	タ	ナ	ド	伍長
東			ノ	ボ	大尉
中	山		イ	サ	少尉
小	杯		ア	キ	曹長
中	島	ト	ク	ヨ	軍曹
鹽	田	ト	シ	ヒ	軍曹
ト	ヤ	マ	リ	ヨ	軍曹
			ウ	サ	
			ク		

馬場 ミツル 伍長
小川 ミカク 上等兵

右全部憲兵隊員又ハ同局員
告訴事實

上記被告全部ハ「エドウィンゴン」及「ナウング
ロン」部落ニ於ケル市民住民ヲ虐待シタルヲ以テ
戦争犯罪ヲ犯シタリトノ罪ニ依リ告訴セラレタル
モノナリ。

被告ノ主張

被告等ノ主張ハ憲兵隊ニ捕ヘラレ、「モールメン」
ノ獄舎ニ約十九日間監禁セラレタリト訴ヘ出デタ
ル「エドウィンゴン」ノ村ノ九名ノ證人ノ證言ヨ
リ成リタリ。

被告等ハ訊問中水ト買氣トヲ用ヒ又毆打ヲ以テ拷問
サレタリト訴ヘタリ。

數名ノ證人ハ捕縛セラレタル當時、又ハ訊問中監
獄ニ居リタル者トシテ被告全部ヲ確證セリ。

被告伍長馬場ミツルハ有罪ノ答辯ヲナシタリ。
他ノ被告全部ハ無罪ヲ主張セリ。

判定及ビ宣告

Doc 5336

	人	名	判	定	宣	告			
伍長	イ	テ	タ	ナ	ド	有罪 懲役八年			
大尉	東	ノ	ア	ロ		有罪 懲役八年			
少尉	中	山	イ	サ	ク	有罪 懲役八年			
曹長	小	林	ア	キ	ラ	有罪 懲役六年			
軍曹	中	島	ト	ク	ヨ	シ	有罪 懲役三年		
軍曹	ト	ヤ	マ	リ	ヨ	ウ	サ	ク	有罪 懲役六年
伍長	馬	場	ミ	ツ	ル	有罪 懲役一ヶ月			
軍曹	監	田	ト	シ	ヒ	ロ	無罪		
上等兵	小	川	ミ	ガ	ク	無罪			

(註、被告小林アキラ曹長ハ「カラゴシ」事件ニ於テモ有罪ヲ宣セラレタル被告ノ中ノ一人ナリ)

右判定及ヒ刑ノ宣告ハ未ダ確定サレズ。

證據ニ關スル註　コノ事件ハ始メテ、一被告ガ、憲兵隊ハ時期ニ應ジテ情報ヲ付ル爲メニ暴力ヲ用ヒタル事ヲ證人席ニ於テ承認セシ事件タル點ニ於テ興味アルモノナリ。

中山被告ハ水責メラ用ヒタル事ヲ白白シ、證人トシテ召喚シタル福田曹長ハ電氣責メノ使用ヲ認メタリ。

十一頁

「カラゴシ」事件ニ於テ告訴セラレタル東大尉ハ

11.

Doc 5336

其當時ハ憲兵隊ハ末ダ官ツテ暴力ヲ行使シタル事ナ
シト述ベタルガ、今回ハ時期ニ應ジテ暴力ヲ用ヒシ
事ノアリ得タル事ヲ認メタリ、然シ彼ハ訊問中ノ暴
力行使トイフ事ノ意味ニツキテハ聊々不明瞭ナルモ
ノアリタリ。

本事件ニ於テ持問ニ用ヒタル手段ハ

一、水責メ

二、電氣責メ

三、人ヲ後手ニ縛リ上ゲテ梁ニ吊シ、ソノ體ノ位

置ニテ彼ヲ打チ又ハ電氣責ヲナス事

本事件ニ依リ情報ヲ得ル爲メニハ憲兵隊ガ暴力ヲ用
ヒタル事ハ普通事ナリシト見ラル。

五、品質中央監獄事件（タツミ其他）

被 告

タツミ モトゾウ 大尉

天 西 アキオ 中尉

上 野 キヨシ 曹長

上 野 コイゲツ 上等兵

右全部日本帝國陸軍々人

告訴事實

上記全部ノ被告ハ虐待ニ連累者トシテ關係シ、ソノ
結果列記セラレタル通り十七名ノ傷處ヲ死ニ至ラシ
メ又他ノ俘虜ニ苦悶ヲ與ヘタルヲ以テ戦争犯罪ヲ犯

12.

Doc 5336

シタル廠ニ依リ告訴セラレタルモノナリ。

戦争ノ主張

戦争機ノ主張ハ元俘虜ニ依ル非治ニ多數ノ口供書ヨリ成リ航空員俘虜ハ他ノ俘虜トハ別箇ノ處置ヲ受ケ隔離サレ、獨房監禁ヲ受ケ、食料ノ給與ハ不充分ニシテ松葉手當ハ殆ンド皆無ニテ衛兵ニ毆打サル、尋常々ナリシ旨ヲ述ブ。

被告上野上等兵ハ有名ナル毆打者トシテ「リムビー」ノピツコノナル仇名ニヨリ知ラレ居タリ。

「ドラムミー」中尉ノ事件ノ如キハ、重傷大西ガ彼ハドノ送死ヌ者ナリト云ヒテ彼ヲ看護シ居タル友人ヲ引離シタルニヨリ、遂ニ何等介抱スル者モナク死亡セリト訴ヘラレタリ。

十二頁

戦争機ハ又一九四二年ヨリ戦争終結迄に實中央監獄ニ俘虜タリシ「フライング」氏ヲ證人トシテ召喚セリ、

彼ハ航空員ニ關スル狀態ハ普賢ノ俘虜ヨリモ惡カリシ事ヲ證言セリ。此ノ人ハ被告全部ヲ確認セリ。

數箇ノ口供書ニ被告タヅミハ彼ノ前任者ノ何レヨリ善良ナル監獄指揮官ナリシ事記載サレアリタリ。

・ ・ ・ ・ ・

13

Doc 5336

14

判定及宣告

人名	判定	宣告
冬、モトウ大尉	俘虜虐待ニツキ有罪	懲役七年
大西、アキオ中尉	虐待ニヨリ「ドラミ」中尉ヲ 死ニ到ラシメ、其他十名ノ俘虜 ヲ死ニ到ラシメタルニ依リ有罪	絞首刑
上野、キヨシ曹長	虐待ニツキ有罪	懲役三年
上野コイタツ上等兵	虐待ニツキ有罪	懲役十五年

右判定並ビニ宣告ハ未ダ確認サレズ。

十三頁

證據ニ關スル註

本事件ハ「ニホー・ロウ・コウ・シ・キ・ス」ニ于テ「ニホー・ロウ・コウ・シ」
俘虜トナリタル航空員ノ虐待ニ關スル事件ヲ特ニ取
扱ヒタルモノナリ。證據ニ依レバ航空員ハ戰爭犯罪
容疑者ト認メラレタルヲ以テ、上司ノ命令ニ依リ普
通ノ俘虜トハ別箇ノ取扱ヲ受ケタルモノノ如シ。
被告、タヅミハ航空員俘虜ハ普通ノ俘虜トハ別ニ收
容セルモ取扱ニ關シテハ何等劣リタル事ナカリシヲ
主張セリ。

彼ハ彼等ハ普通ノ勞働ヲナサザル俘虜ト同様ノ食事
ヲ給與セラレ醫藥手當ヲ差控エタル事ナシト主張セ
リ。

本事件ハ他ノ凡テノ監獄ニ於ケル事件ト同ジク、大
部分ノ衛兵ハ俘虜ニ對シ極些細ナル立腹アルモ之ヲ
毆打スル事ヲ常習トシタル極メテ惡質ナル者ナリシ
ガ如シ。

Doc 5336

15.

上野上等兵が訊問官ノ訊問ニ對シ答へタル處左ノ如シ。

問、貴方が第五監房舎ニ居タ俘虜ラソレ程、度々殴打シタノハ理由ガ其ノ他ニ何カアツタカ。

答、一九四四年九月ニ名前ハ記憶シテ居マセヌガ、憲兵ノ兵卒カラ、コレ等ノ俘虜ヲ毆グル事ハ差支テイト聞カサレマシタ。

コレハ衛兵ノ考ヘ方ヲ示スモノナリ。

凡テノ監獄ニ於ケル殴打ニ關スル事件ニ於テ非常ニ多クノ證言アルヲ以テ、結論トシテカカル行爲ハ積極的ニ獎勵サレタルニ非ズトスルモ少クトモ全ク普通ノ事トシテ認メラレ且ツ許サレ居タルモノアリト斷ゼザルヲ得ズ。

六 蘭貢中央監獄事件（池田）

被 告 池田 桑次郎 曹長

日本帝國陸軍軍人

告 訴 事 實

被告ハ虐待ニ依リ五人ノ米國人俘虜ヲ死ニ到ラシメタルニ依リ、戰爭犯罪ヲ犯シタル疑ヲ以テ告訴セラレタリ。

檢事ノ主張

檢事側ハ醫療手當ノテカリシ爲メ多數ノ俘虜ハ死シタル事ヲ訴ヘ殊ニ告訴書ニ記載セル者等ハソノ

搭乗セシ飛行機が墜落ノ際受ケタル強度ノ火傷ノ
ママ收容サレタルモ何等醫療手當ヲ受ケザリシ事
ヲ訴ヘタル元俘虜ニヨル多數ノ口供ニヨリ成ル。

辯護人側ハ證人トシテ被告ノ助手タリシ「ノタニ」
伍長ヲ召喚セシガ同人ハ被告ノ證言ヲ確證セリ。
辯護人側ハ更ニ證人トシテ日本軍醫少佐清水ヲ召
喚セシガ、同人ハ告訴狀ニ記載シアル性質ノ火傷
ヲ受ケタル患者ノ場合ニ、期待サレ得ルトコロノ
モノニ關シ證言ヲ與ヘタリ。

判定並ニ刑ノ宣告

法廷ハ被告ヲ無罪ト認メタリ。

法廷ハ判定ヲ下スニ際シ、墜落後ノアル時期ニ於
テ、之等ノ航空員ニ對スル處置ニツキ犯罪的ノ條
怠アリシ事ヲ認ムルモ證據物件中ニ何等被告ガコ
ノ結果ニ對シ其ノ責ニ任ズベカリシ事ヲ示ス證據
ノナキ事ヲ確認セリ。

證據ニ關スル註

本件ニ於ケル被告が無罪トナリタル事實ニ鑑ミ、
證據物件ヨリ確タル結論ヲ決定スルハ望マシカラ
ザル事ナルモ、日本人ハ負傷シタル俘虜ニ對シ早
期ニ適切ナル手當ヲ與フル事ヲ保證スル爲ニハ殆
ンド勞ヲ取ラザリシモノノ如シ。